

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

ROBERT A. DIPAOLO

Debtor

JOANN DIPAOLO

Non-Filing Co-Debtor

Case No.: 16-11321-CMG

Chapter: 13

Judge: Christine M Gravelle

Hearing: March 6, 2019 at 9:00 am

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND CO-DEBTOR STAY**

TO:

Robert A. DiPaolo
40 Pulawski Avenue
South River, NJ 08882

Albert Russo, Esquire
CN 4853
Trenton, NJ 08650-4853

Patrick Moscatello, Esquire
90 Washington Street
Long Branch, NJ 07740

Joann DiPaolo
40 Pulawski Avenue
South River, NJ 08882

PLEASE TAKE NOTICE THAT on March 6, 2019 at 9:00 am or as soon as counsel may be heard, the undersigned, attorneys for creditor, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust ("Creditor"), by its attorneys, Stern and Eisenberg PC, will move before the Honorable Christine M. Gravelle in Courtroom #3, United States Bankruptcy Court, 402 East State Street, Trenton, NJ 08608, for an Order granting Creditor relief from the automatic stay provisions of the Bankruptcy Code; modifying, terminating and vacating the automatic stay pursuant to 11 U.S.C. §362 (d) (and the co-debtor stay

pursuant to §1301) with respect to real property located at (and known as) 40 Pulawski Ave, South River, NJ 08882 (the “Property”) in the Debtor(s)' possession and control. Creditor's Motion shall also request that the Order granting the foregoing relief allow Creditor to proceed with process or other lawful action against Debtor(s) necessary to recover possession of the Property and to otherwise exercise all rights under State and Federal Law in and to the Property, including without limitation, the right to foreclose, sell or otherwise transfer the Property. Creditor seeks to enforce its rights as more fully set forth in the mortgage and note dated 09/26/2006. Creditor will rely on the attached Certification in Support of this Motion. Creditor further seeks that in the event the instant case is dismissed or otherwise terminated (without discharge) that the Automatic Stay arising under any subsequent filing within a year of such dismissal be limited to 30 days unless extended by Court Order.

If you oppose the motion you must file a response within the time provided under the Rules of Bankruptcy Procedure and Local Rules. If you do not file a timely response then the requested relief may be entered without further hearing.

Creditor will also request that Debtor(s) will not be considered current with Creditor at the conclusion of the instant case.

Respectfully Submitted:

By: /s/ William E. Miller, Esq.
William E. Miller, Esq.
Stern & Eisenberg, PC
Counsel for Movant

Date: February 12, 2019